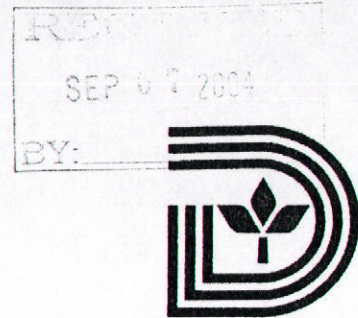


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ATTORNEY WORK PRODUCT  
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CITY OF DALLAS

## Memorandum

DATE September 7, 2004

TO Donald W. Hill, Deputy Mayor Pro Tem

SUBJECT Solicitation of Funds for Economic Development Initiative

By memorandum dated August 11, 2004, you asked whether you could solicit funds from present, past or potential contractors with the City for a City of Dallas economic development initiative involving development projects in Southern Dallas. You indicate that this initiative would involve both public and private monies.

Nothing in state law, the city charter or the city code prohibits you as a city council member from soliciting funds on behalf of the City of Dallas for this economic development initiative. Section 36.08 of the Texas Penal Code, however, provides:

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or other transaction involving the exercise of his discretion.

Since you are considered a "public servant" under this provision, it is recommended that solicitations for this economic development initiative be coordinated through the city manager and any donations be made directly to the City of Dallas, and not to you as a city council member, to avoid any violations of this provision.

Also, Section 12A-4 of the City's Code of Ethics, prohibits a city official from using his or her official position to unfairly advance personal interests by granting or securing, or attempting to grant or secure, for any person any form of special consideration, treatment, exemption or advantage beyond that which is lawfully available to every other person or organization. Therefore, to avoid allegations that you are using your official position to unfairly advance the personal interests of the persons involved with the development projects in Southern Dallas, it is recommended that the city council be notified of this economic development initiative and of your intention to solicit funds before funds from city contractors or others are solicited. Further, contractors who

**GOVERNMENT  
EXHIBIT**

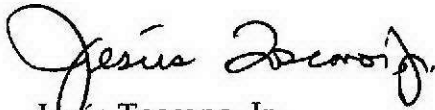
548

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Memorandum to Donald W. Hill, Deputy Mayor Pro Tem  
September 3, 2004  
Page 2

donate money to the City of Dallas for this economic development initiative cannot be granted any special consideration, treatment or advantage regarding city contracts beyond that which is lawfully available to any other person or organization.

Should you have any questions concerning this matter, please contact me.



Jesús Toscano, Jr.  
Administrative Assistant City Attorney

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cc: Madeleine B. Johnson, City Attorney

jet/FT/2

# Memorandum

City Attorney's Office

AUG 11 2004



CITY OF DALLAS

DATE August 11, 2004

TO Jesus Tescano  
Assistant City Attorney

SUBJECT Request for Legal Opinion Concerning Solicitation of Fund for  
Public/Private

I am requesting a legal opinion on whether I can solicit funds from present, past or potential contractors with the City for an economic initiative involving public and private monies. The economic initiative will concentrate on Southern Dallas development projects.

A handwritten signature in black ink that reads "Donald W. Hill". The signature is fluid and cursive.

Donald W. Hill  
Deputy Mayor Pro Tem



## Memorandum



CITY OF DALLAS

DATE August 11, 2004

TO Jesus Tescano  
Assistant City Attorney

SUBJECT Request for Legal Opinion Concerning Solicitation of Fund for  
Public/Private

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Donald W. Hill  
Deputy Mayor Pro Tem

Jesús Tusceno

From: Donald Wilf

Subject: Request for  
Legal Opinion  
concerning  
solicitation of  
funds for  
public/private

~~Request to the~~

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